

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MELISSA ENG-HATCHER, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

SPRINT NEXTEL CORPORATION;
SPRINT/UNITED MANAGEMENT
COMPANY; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO.07-CV-7350 (BSJ)(KNF)

[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2008, upon consideration of Plaintiff's Motion for (1) Conditional Collective Certification; (2) Court Authorized Notice; and (3) Production of Names and Addresses Pursuant to 29 U.S.C. § 216(b), Memorandum of Law in Support thereof, any opposition thereto, and oral argument before the Court, the Court determines that Plaintiff's Motion is **GRANTED**.

It is hereby ORDERED and DECREED that:

1. Plaintiff's Fair Labor Standards Act ("FLSA") claims in this case shall proceed as a conditionally certified collective action, under 29 U.S.C. § 216(b), on behalf of all persons who were, or are employed by Defendant throughout the United States as Non-Exempt Hourly Paid Employees who worked at Defendant's retail locations at any time from [DATE 3 YEARS PRIOR TO THE MAILING DATE] to the present ("Retail Consultants");
2. The language of the proposed FLSA Notice and Consent To Sue form (attached hereto) is approved as fair and accurate;

3. Within thirty (30) days of the date of this ORDER, Defendant shall produce to Plaintiff's counsel in Excel format (i.e., a document created in "Microsoft Excel," with the file extension ".xls"), a mailing list containing the names and most recent known addresses of all persons described in paragraph 1 of this ORDER, so that mailing of the notice may be timely accomplished. Defendant shall further produce to Plaintiff's counsel within seven (7) days of any request by Plaintiff's counsel all telephone numbers Defendant might have (if any) for any person described in paragraph 1 of this ORDER whose FLSA Notice is returned by the Post Office as undeliverable. Use and possession of the information provided by Defendant pursuant to this paragraph shall be used solely for the purpose of providing notice of this action to persons entitled to file Plaintiff Consent To Sue forms pursuant to paragraph 1 of this ORDER;

4. Within thirty (30) days of the date of this ORDER, Defendant shall provide the approved FLSA Notice to all Retail Consultants then currently employed by Defendant, along with copies of the Consent To Sue form;

5. Within thirty (30) days of the date of this ORDER, Defendant shall post a copy of the approved FLSA Notice in each of its retail locations in a conspicuous place for its Retail Consultants to view; and

6. In order to be considered timely filed, the Consent To Sue form must be received and filed/date stamped by the Court no later than one hundred twenty (120) days after the date which the FLSA Notice is mailed by Plaintiff's counsel.

IT IS SO ORDERED.

DATED: _____

Kevin Nathaniel Fox
United States Magistrate Judge